

**ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)**  
**GUIDELINES**  
**FOR ENCROACHMENT PERMITTEE'S**  
**STATE AND FEDERAL ENVIRONMENTAL REGULATIONS**

The applicant must submit a signed statement certifying that the applicant has complied with the following laws and regulations:

National Historic Preservation Act:

The applicant must certify that area of proposed incursion has been surveyed by a qualified archaeologist (36 CFR 61 – Attached) and that the proposed activity will not impact any historic or prehistoric cultural resource eligible for the National Register of Historic Places.

Clean Water Act:

Section 401/404

The applicant must certify that either:

- a) the proposed work will not involved discharges to Waters of the United States
- b) or that the activity qualifies for a Nationwide Permit and any required notifications to the Army Corps of Engineers has been made and that the applicant has received concurrence from the Corps to proceed with the work and will implement all required project specific mitigation measures, Section 404 General Conditions and State Water Quality 401 conditions.
- c) Or that a notification is not required form the Nationwide Permit and that the work will comply with all Section 404 General Conditions and State Water Quality 401 conditions
- d) Or that the applicant has received an individual permit from the Army Corps of Engineers and that the work will comply with all conditions of the individual permit.

Section 402

If the proposed work will exceed 5 acres of disturbance within the right-of-way then the applicant must certify that they have submitted an Notice of Intent (NOI) to the U.S. Environmental Protection Agency and the Arizona Department of Environmental Quality and have prepared a Storm Water Pollution Prevention Plan for the project. The applicant must also certify that all best management practices identified in the plan will be implemented during project construction. The applicant must also certify that upon project completion the applicant will file a Notice of Termination (NOT) with the U.S. Environmental Protection Agency and the Arizona Department of Environmental Quality.

The Endangered Species Act:

The applicant must certify that the proposed project will not affect any species listed as Endangered, Threatened, or Candidate by the United States Fish and Wildlife Service under the Endangered Species Act.

Arizona Native Plant Law:

If the applicant's project will remove or destroy protected native plants over an area of right-of-way that exceeds one-fourth acre the Permittee shall notify the Arizona Department of Agriculture at least 60 days prior to the start of construction to afford commercial salvagers the opportunity to remove and salvage these plants.

## Appendix A to **Part 61**—Professional Qualifications Standards

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or **part**-time work adding up to the equivalent of a year of full-time experience.

(a) History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

(1) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or

(2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

(b) Archeology. The minimum professional qualifications in archeology area a graduate degree in archeology, anthropology or closely related field plus:

(1) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management:

(2) At least four months of supervised field and analytic experience in general North American archeology; and

(3) Demonstrated ability to carry research to completion.

In addition, to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

(c) Architectural history. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, history preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, history preservation, or closely related field plus one of the following:

(1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

(2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

(d) Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

(e) Historic Architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture of State license to practice architecture, plus one of the following:

(1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

(2) At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of

historic structures research reports, and preparation of plans and specification for preservation projects.